

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DAVID MARTINEZ, individually and on behalf of all others  
similarly situated,

Plaintiffs,

-against-

LA MARIA PIZZERIA CORP., 1455 NEPPERHAN REST CORP.  
D/B/A BELLA ROSA PIZZERIA, ALI OZTURK, ALBERT  
TRANQUILLO A/K/A “ALLY”, and LAURIE TRANQUILLO,

Defendants.  
-----X

**1:22-cv-04578**

**ORDER OF  
DISMISSAL WITH  
PREJUDICE AS TO  
LA MARIA PIZZERIA CORP.  
and ALI OZTURK ONLY**

**WHEREAS**, on June 2, 2022, David Martinez, (“Plaintiff”) commenced this action by the filing of a Complaint;

**WHEREAS**, Plaintiff, on one hand, and La Maria Pizzeria Corp. and Ali Ozturk on the other hand (collectively “Settling Defendants”), reached a settlement of this action and of Plaintiff’s claims against the Settling Defendants and have entered into a Settlement Agreement, filed on the Court’s docket (the “Agreement”), formally memorializing the Parties’ settlement;

**WHEREAS**, the terms of the Agreement, which are incorporated herein by reference, have been reviewed and scrutinized by the Court and are approved and considered a fair and reasonable resolution of, *inter alia*, a bona fide dispute over a provision or provisions of the FLSA and NYLL;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys of record for the Parties to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee, and no person who is not a party to this action has an interest in the subject matter of the action, the above entitled action is hereby discontinued, pursuant to Fed. R. Civ. P. 41(a), with prejudice, without

costs to any party as against the other as to **La Maria Pizzeria Corp.** and **Ali Ozturk** only. This Stipulation may be filed without further notice to the Clerk of the Court.

**IT IS FURTHER STIPULATED AND AGREED**, that facsimile and/or electronically transmitted signatures shall be deemed as original signatures.

Dated: November 14, 2022  
New York, NY

Dated: November 14, 2022  
New York, NY

/s/ Eliseo Cabrera  
Eliseo Cabrera  
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*Attorneys for Plaintiffs*

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*Attorneys for Settling Defendants*

SO ORDERED:

Dated: November 15, 2022  
New York, New York

  
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HON. KATHERINE POLK FAILLA